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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,589	08/18/2000	Philip A. Cooper	11910-002001	6655
26161	7590 11/03/2006		EXAM	INER
FISH & RICHARDSON PC P.O. BOX 1022			BORLINGHAUS, JASON M	
	LIS, MN 55440-1022		ART UNIT	PAPER NUMBER
·			3693	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/641,589	COOPER ET AL.				
Office Action Summary	Examiner	Art Unit				
,	Jason M. Bortinghaus	3693				
The MAILING DATE of this communication ap	<u> </u>					
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	PATE OF THIS COMMUNICA 136(a). In no event, however, may a reply will apply and will expire SIX (6) MONTHS e. cause the application to become ABANI	TION. be timely filed from the mailing date of this communication. DONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 6/29	<u> 10/5/06 &amp; 10/5/06</u> .					
,	·					
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 1	1, 453 O.G. 213.				
Disposition of Claims		•				
4)⊠ Claim(s) <u>1-3,8,9 and 28</u> is/are pending in the	application.					
4a) Of the above claim(s) <u>8-9 and 28</u> is/are withdrawn from consideration.						
5)⊠ Claim(s) <u>1-3</u> is/are allowed.						
6) Claim(s) is/are rejected.	6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	or election requirement.					
Application Papers		·				
9)⊠ The specification is objected to by the Examine	er.					
10) The drawing(s) filed on is/are: a) acc	•	the Examiner.				
Applicant may not request that any objection to the	•					
Replacement drawing sheet(s) including the correct	ction is required if the drawing(s)	is objected to. See 37 CFR 1.121(d).				
11) The oath or declaration is objected to by the E	xaminer. Note the attached C	office Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign	n priority under 35 H.S.C. & 1:	19(a)-(d) or (f)				
a) All b) Some * c) None of:	ir priority under do 0.0.0.3 T	10(4) (4) 01 (1).				
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the price						
application from the International Burea	au (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.						
	,					
Attachment(s)						
1) Notice of References Cited (PTO-892)		nmary (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)		Mail Date rmal Patent Application				
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	6) Other:					

Application/Control Number: 09/641,589

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## **DETAILED ACTION**

## **EX PARTE QUAYLE**

Claims 1 – 3 of this application are in condition for allowance except for the following formal remaining matter:

The disclosure is objected to because of the following informalities: enclosure of appendix is improper. An appendix is limited to enclosure of a sequence listing table or a computer program listing (see MPEP § 608.05). Otherwise, information contained within the appendix should be incorporated into the specification or filed through an IDS.

Prosecution on the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire two months from the mailing date of this letter.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER